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Skyryse, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and
DOES NOS. 1-50,

Defendants.

SKYRYSE, INC.,

Counterclaimant,

v

MOOG INC.,

Counterclaim-Defendant.

CASE NO. 2:22-cv-09094-GW-MAR

**SKYRYSE, INC.'S APPLICATION
FOR LEAVE TO FILE UNDER SEAL
DOCUMENTS FILED WITH
SKYRYSE'S FIRST AMENDED
ANSWER, DEFENSES, AND
COUNTERCLAIMS**

Judge: Hon. George H. Wu

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 79-5.2.2, Defendant and Counterclaimant Skyryse, Inc. hereby applies for an order permitting the following documents filed in connection with Skyryse's First Amended Answer, Defenses, and Counterclaims to be filed under seal with the Court.

Document	Designating Party	Text to be Sealed
Skyryse's First Amended Answer, Defenses, and Counterclaims	Skyryse	Highlighted portions in the unredacted version at pages 53:13-54:6; 54:8-14; 54:17-55:5; 55:7; 55:10; 55:20-21; 56:6-13; 56:15-17; 56:25-57:2; 57:16; 58:7; 59:5; 59:9; 60:10-11; 64:22-27; 65:11-12; 67:19; 67:21-68:2; 68:7-12; 68:18-25; 68:27-69:6; 69:8-9; 69:11-15; 69:19-22.
Skyryse's First Amended Answer, Defenses, and Counterclaims	Moog	Highlighted portions in the unredacted version at pages 14:27-28; 50:5-7; 50:10-23; 50:25-51:7; 51:21-22; 62:18-20; 63:13-17; 63:19-22; 64:13-15; 34:17-19; 66:1; 66:9-16; 66:18; 66:20-26; 67:2-5; 67:12-14; 67:19-20; 68:3-4; 68:7; 68:13-17.
Ex. C to Baloga Decl. (May 31, 2019 Statement of Work (the "SOW 1"))	Skyryse	Sealed in its entirety.

Document	Designating Party	Text to be Sealed
Ex. D to Baloga Decl. (June 3, 2019 Terms and Conditions)	Skyryse	Highlighted portions in the unredacted version at pages 5, 8.
Ex. D to Baloga Decl. (June 3, 2019 Terms and Conditions)	Moog	Sealed in its entirety.

The material Skyryse requests to file under seal is the type of information that Skyryse does not make public, does not share with competitors, and keeps confidential in its business. If disclosed publicly, it could be used by Skyryse's competitors to secure an unfair competitive advantage against Skyryse and cause irreparable business harm. The material Skyryse seeks to file under seal includes portions of the Answer, Defenses, and Counterclaims and Exhibit D (Terms and Conditions), which contain Skyryse's confidential information regarding its business plans and strategies, development roadmaps, confidential contract terms, trade secrets, and other confidential business and technical information. Skyryse has proposed narrowly-tailored redactions to those documents and requests that the Court grant this application to file under seal the redacted portions. Exhibit C (SOW 1) contains highly confidential business and technical information and Skyryse requests that the Court grant this application to seal that document in its entirety.

Skyryse also has provisionally lodged under seal portions of its Answer, Defenses, and Counterclaims and accompanying documents that refer to, describe, or quote documents that Plaintiff and Counterclaim-Defendant Moog, Inc. has designated as Protected Material under the Protective Order entered in this action, dated May 5, 2022 (Dkt. No. 89), or that Skyryse believes may be considered confidential information by Moog. Accordingly, pursuant to paragraph 12.1 of the Protective Order, Skyryse seeks to provisionally lodge these documents under seal

1 until such time as Moog withdraws its confidentiality designations or the Court rules
 2 on a forthcoming application from Moog to justify that these documents, or portions
 3 thereof, remain under seal.

4 This application is further based upon the accompanying Declaration of
 5 Cassandra Baloga in Support of this Application; any pleadings, files, and records
 6 in this action; and any further evidence or argument as this Court may consider.

7 On August 22, 2023, counsel for Skyrise conferred via email with counsel for
 8 Moog regarding this Application, and identified the documents Skyrise had
 9 proposed to file under seal, in whole or in part. On August 22, 2023, counsel for
 10 Moog informed Skyrise “Moog maintains its sealing positions regarding the below-
 11 referenced documents.”

12
 13 Dated: August 25, 2023

Respectfully submitted,

14 LATHAM & WATKINS LLP

15 By: /s/ Gabriel S. Gross

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